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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,567	08/22/2006	Anton Dukart	10191/4360	8576
26646	7590	03/17/2010	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				BEHNCKE, CHRISTINE M
ART UNIT		PAPER NUMBER		
3661				
MAIL DATE		DELIVERY MODE		
03/17/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/590,567	DUKART ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	CHRISTINE M. BEHNCKE	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 December 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 8-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 8-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

This office action is in response to the Amendment and Remarks filed 12/10/2009, in which claims 8-14 were presented for examination.

### ***Response to Arguments***

Applicant's arguments with respect to claims 8-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishizaki, US 2004/0002815.

(Claim 8) Ishizaki describes a device for impact sensing for a vehicle, comprising: a first acceleration sensor mechanism situated on a bumper (at least one of sensors 2a or 2b, figure 3), wherein the first acceleration sensor mechanism is situated between a cross-member of the bumper and a fascia of the bumper (at least one of sensors 2a or 2b, situated between bumper 3 and cross member bumper 3A), and wherein the first acceleration sensor mechanism includes at least one acceleration sensor attached to the fascia of the bumper (figure 2 and [0031]).

(Claim 9) Ishizaki further describes wherein the first acceleration sensor mechanism includes two acceleration sensors (sensors 2a, 2b), each having an offset to a center of the vehicle (figure 1).

(Claim 10) Ishizaki further describes wherein the device further comprises at least one additional sensor mechanism situated on the bumper (sensor 202b, figure 6).

(Claim 13) Ishizaki further describes wherein the device is connected to a control apparatus for controlling equipment for protecting persons (ECU 7, [0001]) in such a way that the equipment for protecting persons is controlled as a function of a first signal of the first acceleration sensor mechanism (figure 7, signals from the sensors 202a, 202b, 202c) and a second signal, the second signal being one of an inherent speed or a relative speed (signal from sensor 204).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishizaki in view of Mattes, US 2002/0180596.

Ishizaki does not describe wherein the acceleration sensor if at least one of piezo cable and an environmental sensor mechanism. However, Mattes teaches an impact sensing device wherein acceleration sensors are situated on the bumper and at least one additional sensor mechanism is situated on the bumper (first sensor 3). Mattes further teaches the at least one additional sensor mechanism includes at least one of a piezo cable and an environmental sensor mechanism ([0015]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Mattes with the device of Ishizaki because as Mattes suggests, additional

sensors would increase reliability of the detection and more sensitivity to the type of impact detected ([0015]).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishizaki in view of Mattes, US 2002/0175499.

Ishizaki does not describe the acceleration sensors acquiring acceleration in a vertical direction. However, Mattes teaches an impact sensing device including an acceleration sensor, wherein the acceleration sensor is configured to acquire acceleration in a vertical direction of the subject wrapped in the sensing device ([0016]). It would have been very obvious to one of ordinary skill in the art at the time of the invention to use a two or three axis acceleration sensor to detect a plurality of accelerations being imposed on the subject, vehicle, monitored for an impact.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishizaki in view of Aoki, US 2004/0011582.

Ishizaki does not describe wherein a second acceleration sensor mechanism is located centrally in the control apparatus. However Aoki teaches an impact sensing device wherein a plurality of acceleration sensors are located on a vehicle bumper and

wherein a second acceleration sensor mechanism is situated centrally in the control apparatus (acceleration sensor 48). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Ishizaki with the teaching of Aoki because as Aoki suggests, the control device may use the central acceleration sensor as a comparison to determine occurrence of collision and also to test for sensor malfunction ([0080]-[0082]).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Mizuno, US 6,082,197, teaches a force or impact sensing acceleration sensor, wherein the acceleration sensor is configured to acquire acceleration in a vertical direction of the vehicle (column 40, lines 26-35). It would have been very obvious to one of ordinary skill in the art to substitute the multi-axis acceleration sensor described by Mizuno with the acceleration sensor of Ishizaki because as Mizuno suggests using one acceleration sensor to detect a plurality of acceleration axes enables the user to save on the costs of sensors (column 47, lines 8-17).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTINE M. BEHNCKE whose telephone number is (571)272-8103. The examiner can normally be reached on 8:30 am- 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMB

/Thomas G. Black/  
Supervisory Patent Examiner, Art Unit 3661